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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/991,090	11/16/2001	Stephen P. Vossler	P1758US00	4805

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GATEWAY, INC.
Attention: Kenneth J. Cool
610 Gateway Drive, MD Y-04
N. Sioux City, SD 57049

EXAMINER

LESNIEWSKI, VICTOR D

ART UNIT	PAPER NUMBER
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2155

DATE MAILED: 01/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/991,090	Applicant(s) VOSSLER, STEPHEN P.	
	Examiner Victor Lesniewski	Art Unit 2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 November 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>11/16/2001</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This application has been examined.
2. Claims 1-24 are now pending.

Information Disclosure Statement

3. The IDS filed 11/16/2001 has been considered.
4. The cited document number 6,075,780 to Mahany et al. has not been considered because the patent has been withdrawn. All other documents cited by the applicant have been considered.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Hall et al. (U.S. Patent Number 6,742,037), hereinafter referred to as Hall.

7. Some claims will be discussed together. Those claims which are essentially the same except that they set forth the claimed invention as a method or an alternative apparatus are rejected under the same rationale applied to the described claim.

8. Hall has disclosed:

- <Claims 1 and 11>

An apparatus, comprising: means for establishing communications between a first network and a second network in proximity to the first network (column 5, lines 22-27); means for predicting a time period during which communications between the first network and the second network can be made (column 2, lines 6-24); and means for transferring information between the first network and the second network so that said transferring means completes the information transfer within the time period (column 6, lines 1-16).

- <Claims 2, 8, 10, 12, and 14>

An apparatus as claimed in claim 1, further comprising means for determining whether a remaining time period exists subsequent to said transferring means completing the information transfer within the time period so that said transferring means is capable of executing an additional information transfer completed within the remaining time period (column 10, lines 12-40).

- <Claim 3>

An apparatus as claimed in claim 1, the first network comprising at least one of the following structures: a home network, a local area network, a wide area network, a vehicle area network, a personal area network, a fabric area network and a world wide network (column 4, lines 5-24).

- <Claim 4>

An apparatus as claimed in claim 1, the second network comprising at least one of the following structures: a home area network a local area network a wide area network, a

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vehicle area network, a personal area network, a fabric area network, and a world wide network (column 4, lines 25-37).

- <Claim 5>

An apparatus as claimed in claim 1, said predicting means predicting the time period based on at least one or more of the following: file size, data rate, user preference, and file priority (column 1, lines 62-65 and column 7, line 51 through column 8, line 10).

- <Claim 6>

An apparatus as claimed in claim 1, in the event at least one of the first network and the second network is a vehicle area network (column 4, lines 5-24), said predicting means predicting the time period based on at least one or more of the following: file size, data rate, user preference, file priority, vehicle status, engine status, passenger status, door status, trunk status, hood status, fuel cap status, and garage door status (column 7, line 51 through column 8, line 10).

- <Claim 7>

An apparatus, comprising: a local area network having at least one or more devices communicatively coupled on said local area network (column 4, lines 25-37); means for establishing communications with a vehicle area network having at least one or more devices communicatively coupled on the vehicle area network (column 4, lines 5-24 and column 5, lines 22-27); means for predicting a time period during which communications between said local area network and the vehicle area network can be made (column 2, lines 6-24); and means for transferring information between said local area network and

the vehicle area network so that said transferring means completes the information transfer within the time period (column 6, lines 1-16).

- <Claim 9>

An apparatus, comprising: a vehicle area network having at least one or more devices communicatively coupled on said vehicle area network (column 4, lines 5-24); means for establishing communications with a local area network having at least one or more devices communicatively coupled on the local area network (column 4, lines 25-37 and column 5, lines 22-27); means for predicting a time period during which communications between said vehicle area network and the local area network can be made (column 2, lines 6-24); and means for transferring information between said vehicle area network and the local area network so that said transferring means completes the information transfer within the time period (column 6, lines 1-16).

- <Claim 13>

A method, comprising: establishing communications between a local area network (column 4, lines 25-37) and a vehicle area network (column 4, lines 5-24) when the vehicle area network enters a communication range of the local area network (column 5, lines 22-27); determining a status of the vehicle and communicating the status of the vehicle to the local area network (column 6, lines 24-30); predicting a time period during which the vehicle area network will remain within communication range of the local area network so that communications may occur, said predicting step being based at least in part on the vehicle status determined in said determining step (column 2, lines 6-24); selecting an appropriate file capable of being transferred within the time period predicted

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in said predicting step (column 8, lines 34-38); and transferring the file between the local area network and the vehicle area network during the time period (column 6, lines 1-16).

- <Claim 15>

A method as claimed in claim 13, said vehicle status determining step including obtaining at least one or more of the following: file size, user preference, data communication rate, engine status, passenger status, door status, trunk status, hood status, fuel cap status, and garage door status (column 6, lines 16-19).

- <Claim 16>

A method as claimed in claim 13, said time period predicting step being based on at least one or more of the following: file size, user preference, data communication rate, engine status, passenger status, door status, trunk status, hood status, fuel cap status, and garage door status (column 7, line 51 through column 8, line 10).

- <Claim 17>

A method as claimed in claim 13, wherein said selecting step is based at least in part on at least one or more of the following: file importance, file size, file priority, and user preference (column 9, lines 23-27).

- <Claim 18>

A method as claimed in claim 13, the local area network comprising at least one of the following structures: a home network, a wide area network, a vehicle area network, a personal area network, a fabric area network, and a world wide network (column 4, lines 25-37).

- <Claim 19>

A method as claimed in claim 13, the vehicle area network comprising at least one of the following structures: a home network, a wide area network, a personal area network, a fabric area network, and a world wide network (column 4, lines 5-24).

- <Claim 20>

A method as claimed in claim 13, the local area network comprising at least one of the following structures: a gas station, a truck stop, a residence, a business establishment, a restaurant, a rest area, a tourist stop, a rental car facility, a warehouse, a theater, a service station, a parking lot, a parking garage, an event stadium, and a shopping mall (column 4, lines 25-37).

- <Claim 21>

An apparatus, comprising: means for establishing communications between a first network and a second network in proximity to the first network (column 5, lines 22-27); means for determining an amount of data to be transferred between the first network and the second network (column 8, lines 34-38), the amount being based at least in part on a personal profile of at least one or more users of at least one of the first network and the second network (column 5, lines 48-54); and means for transferring information between the first network and the second network based at least in part on the personal profile of at the at least one or more users (column 6, lines 1-16).

- <Claim 22>

An apparatus as claimed in claim 21, the personal profile of the at least one or more users including a schedule of the at least one or more users (column 8, lines 4-5).

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- <Claim 23>

An apparatus as claimed in claim 21, said means for transferring information transferring information based at least in part on a priority determined by said determining means from the personal profile of the at least one or more users (column 10, lines 2-6).

- <Claim 24>

An apparatus as claimed in claim 21, said means for transferring information transferring information based at least in part on a priority of a first one of the at least one or more users relative to another one of the at least one or more users determined by said determining means from the personal profiles of the first one and the another one of the at least one or more users (column 10, lines 2-6 and 27-31).

Since all the limitations of the invention as set forth in claims 1-24 were disclosed by Hall, claims 1-24 are rejected.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to the applicant's disclosure.

- Mahany (U.S. Patent Number 5,696,903) disclosed a system for linking inherently mobile computer devices that includes two wireless local area networks exhibiting differing characteristics.
- Fleck et al. (U.S. Patent Number 6,012,012) disclosed a system for determining traffic information or events wherein relevant data is recorded from vehicle-mounted terminals.

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- Hollenberg (U.S. Patent Number 6,091,956) disclosed a wireless system for providing time-critical information about places and events to mobile computers and their users proximate to their current locations or potential destinations.
- Dowling et al. (U.S. Patent Number 6,522,875) disclosed an implementation of a geographical web browser in a mobile unit such as a dashboard computer.
- Weisshaar et al. (U.S. Patent Number 6,757,262) disclosed a user device that utilizes a service framework to discover and connect with a variety of services.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor Lesniewski whose telephone number is 571-272-3987. The examiner can normally be reached on Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam can be reached on 571-272-3978. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

VZ

Victor Lesniewski
Patent Examiner
Group Art Unit 2155



HOSAIN ALAM
SUPERVISORY PATENT EXAMINER